2. -By the subsequent valid or putative marriage of the parents, whether it is a validation or the original contract, even if it is not consummated, the offspring is legitimated or made legitimate, provided the parents were qualified to contract a valid marriage with each other at the time either of the child's conception or of the pregnancy or of the child's birth.·*05 Legitimation by means of a dispensation from an invalidating impediment does not apply when the children are sacrilegious or adulterine.*66 The fact of the subsequent marriage of the parents is to be added in the margin of the baptismal register of the children who are recorded there as of unknown father or of unknown parents or of parents not joined in wedlock.*07 Notification of the celebration of the marriage is to be sent to the place of baptism.

3. -Children legitimated by a subsequent marriage are to be considered, as regards canonical effects, as the equivalent of legitimate children, unless the contrary is expressly provided.*03 Children legitimated by subsequent marriage may be admitted to the seminary.*08 Solemn profession removes the irregularity of defect of birth but not the illegitimacy itself.*70 A particular rescript from the Holy See may effect legitimation, as does a radical sanation.*71

XXII. CONJUGAL ACT: RIGHT AND OBLIGATION

143. – A. - Right.

1. -The primary end or purpose of marriage, the procreation of offspring, is achievable by the conjugal act; thus the prime obligation in marriage is the proper use of this act. As the fulfilment or exercise of the marital contract it is an obligation contained in the duty of marital fidelity *(bonum fidei)*. In the fullest sense the conjugal act refers to marital intercourse which is of itself apt for generation.*72 In the wider sense of including also the various actions which are necessary to conjugal intercourse which is to take place or which has been performed it is sometimes called the use of marriage *(usas matrimonii)*.

2. - The right and duty of marital intercourse is both of natural institution and of divine law and its fulfilment or observance may also be meritorious. "Let the husband render the debt to his wife, and likewise the wife to her husband. The wife has not the disposal of her own body, but the husband; and likewise the husband has not the disposal of his own body, but the wife. Do not deprive each other, except by agreement for a time, that you may devote yourselves to prayer; and then come together again, that Satan may not tempt you through your incontinence."*73 "That mutual familiar intercourse between the married themselves, if the blessing of conjugal fidelity is to shine with becoming splen-

dor, must be distinguished by chastity, so that husband and wife bear themselves in all things with the law of God and of nature, and endeavor always to follow the will of their most wise and holy Creator with the greatest reverence towards the work of God."[474] "For if the motive for the marriage act be a virtue, whether of justice that they may render the debt or of religion that they may beget children for the worship of God, it is meritorious."[475] "Even· act whereby a precept is fulfilled is meritorious, if it be done from charity. Now such is the marriage act."[478]

144. — B. - Obligation to Render the Debt.

1.-Each spouse has from the very beginning of marriage the equal right and dut}· with respect to the acts proper to conjugal life.[477] There is an obligation binding in strict and commutative justice to render the marriage debt when it is justly requested. The object and end of the marital contract is something serious; the right to the body of one's spouse is precisely what is transferred in marriage and to deny its exercise or fulfilment is a serious vexation to the petitioner. There is thus a grave obligation to accede to a request that is made seriously, reasonably and lawfully, whether expressly or tacitly. It admits of lightness of matter, and therefore it seems to be no great injury to refuse on one or another occasion, especially if the request is frequent or remiss. However, there may be an obligation at least in charity if otherwise the petitioner would be in danger of incontinence, such as pollution, or of some other great harm. If a spouse only grudgingly accedes to a request or makes intercourse too unpleasant, too difficult or too infrequent, there is an implicit denial. To cause oneself to become sterile is a violation of the right to the use of marriage and against justice.

145. — C. - Obligation to Request the Act. - Although a spouse has a strict right to the conjugal act, he has not a strict obligation in justice to request it, as he is free to exercise his right or not. There are times, however, when charity or some other virtue will require that the debt be requested. Such occasions arise when one partner is perceived to be in danger of incontinence, or out of a sense of shame will not make the request, or when it is useful to prevent dissension or to foster marital love and affection. It is the husband who normally makes an explicit request, whereas the wife requests implicitly, e.g., by showing certain signs of affection. The spouses by mutual and free consent may lawfully abstain from the act temporarily for some physical or spiritual benefit. Perpetual abstinence would be rare and only for a very grave cause.

146 _ D. - Limitations.

1.-The right to the marital debt (and the correlative obligation to render it) is not unlimited. The area in which the right is inoperative is

often difficult of precise determination because there are often physical, moral or spiritual conditions of individuals involved and even the necessity of medical advice. A graver cause must exist to deny the debt absolutely than to restrict it or to put it off for a period. Examples of causes recognized as sufficient justification to deny the debt are: a) if one spouse is guilty of adultery (likewise sodomy or bestiality) such as suffices for a cause for separation, or if a spouse has given sufficient cause for legitimate separation from bed and board; b) if one partner is affected by loss of reason or perfect drunkeness, etc., as long as the condition endures, unless it becomes expedient to render the debt in order to avoid serious harm or hardship, such as beatings, incontinence, etc.; if both spouses should become insane, intercourse is unlawful because of the inability properly to procreate and educate offspring; likewise when only one spouse becomes insane, especially the mother, if there is danger to the offspring; c) if the request is immoderate or too frequent, as this can be harmful, especially to the man; intercourse more than two or three times anight even in early married life is considered immoderate and unlawful but not if it is not more than once a week, especially early in marriage; d) if immoral means are used, such as onanistic or sodomistic intercourse, or unlawful circumstances attend the act, such as others being present or liable to be scandalized; e) a *certain* impotency or inability to copulate (not merely an inability to generate) which renders the use of marriage unlawful and which has arisen subsequently to the marriage, since any probable hope of accomplishing true intercourse safeguards the use of the right.

2. - Difficulties which can arise and which are intrinsic to marriage are not of themselves sufficient cause to deny the debt, such as the large number of children already bom, past experience of a difficult pregnancy or birth, fear of another miscarriage, etc. The serious danger or hardship to either party or to the offspring must be also extrinsic to the marriage, as in cases of serious illness, grave danger of abortion, serious heart trouble, probably communication of a contagious disease or of infection especially from frequent intercourse, a certain and grave danger of death in a new pregnancy (which danger should be certified from several prudent and expert medical and moral sources), the weeks immediately following childbirth, failure of a husband to provide for the present children, etc.

147. – E. - Lawfulness.

conjugal act itself. Conjugal intercourse as instituted and designed by God for the propagation of the human race is lawful when apt for generation and in accordance with the *bonum prolis* and the *bonum fidei.**™ If performed for the proper end and in due circumstances, it is an act of the virtue of conjugal chastity and can be meritorious. Whatever

takes place among spouses which is in consonance with the end of marriage and thus favors generation is thereby free from all sin. Whatever is opposed and positively impedes generation is always a grave sin. Whatever takes place between spouses and which is outside the purpose of marriage, neither favoring nor impeding it, of itself never exceeds more than a venial sin. Meanwhile, if the attainment of the primary end is impossible, the secondary ends supply a norm of morality—fostering of mutual love and the alleviation of concupiscence.

2. - *the intention of the spouse.*

a) The intention of the spouse in performing the act of intercourse must be for a good end which is conformable to the end of the act itself. Positively to exclude the primary end of marriage, to intend to take measures to impede its achievement is a grave sin. To intend explicitly a secondary end of marriage and only to abstract from the principal end is lawful, since implicitly the latter is included. However, it is an inordinate use of a lawful thing and outside the purpose of marriage to intend principally and solely the pleasure of the act so that the primary end is positively excluded or postponed (in the intention); this is at least a venial sin/79

b) A desire which is merely inefficacious that no conception will take place, because of a condition of poverty of resources, infirmity or some other honest reason, is not sinful, as long as no unlawful means are employed to prevent conception and the act itself is apt to generate. It is grave sin for a spouse to engage in intercourse with an adulterous desire, i.e., to act under the consideration that another than the spouse is present or to desire to have intercourse with that person and consent to such a desire. To think of one's spouse as possessing the beauty or other features of someone else is not sinful, at least seriously, but it is dangerous because risking consent to adulterous thoughts or desires.

c) Intercourse is lawful even though it is foreseen that an unprovoked abortion or miscarriage will result later, since this is accidental to the good purpose of the act. It is also lawful for those who are sterile or who are advanced in years to engage in intercourse, as long as they can perform the act itself or enjoy the hope of doing so. Likewise if the seed is lost before or during copulation, since generation is accidental to the human action performed.

3. - *Circumstances.*

a) The natural position for intercourse is of itself obligatory. The parties face each other with the man taking the superior position stretching his body over that of the woman *(incubus'),* while the woman assumes the usual supine position *(succuba).* It is sinful to change the natural position without justification, but not seriously sinful, if the act performed

is still apt to generate. It is lawful and not sinful for a sufficient reason to assume other than the natural position, e.g., during advanced pregnancy, because of some difficulty or a condition of frigidity, illness, obesity, etc., even if accidentally some seed is thereby lost. The couple will be justified in assuming any position which is most effective for them at any particular time.

b) It is of grave obligation that the act be performed in a secret place lest scandal be given. If the requisite privacy is perchance invaded, intercourse may be terminated immediately, even though seed is accidentally lost outside the vagina. Parents who live in straightened housing circumstances should be especially vigilant with regard to the presence of children, even though below the age of reason.

c) There is no prohibition of time regarding the conjugal act, even before approaching Holy Communion, although in an indivdual case abstinence at certain times may be advisable. When serious harm would result, the action would be unlawful. It is lawful but not advisable to copulate during the menstrual period. Danger of harm is always present in the few weeks after birth and thus the action is unlawful in the measureof the harm involved. During a condition of pregnancy moderate use is always indicated, but it is unlawful to use the right when there is a danger of abortion or of harm to the child or mother resulting.·180

4. - *Accessory acts.*

a) Whatever is necessary or useful for complete copulation between spouses is in itself always lawful. Actions which do not constitute but are somewhat more or less connected with the act of intercourse, although gravely sinful for the unmarried, are not sinful at all or at least not seriously so for the married, since of their nature they are ordered to the marital act. These are the acts of lovemaking or love play. This requires that there develop an individual adjustment in marital relations, which must be learned and acquired principally through experience in married life, as it is not instinctive or automatic. The accessory acts, as well as the conjugal act itself, should be expressions of mutual conjugal love and oot merely sexual releases or physically satisfying activities. They require an appreciation of differences of sex and personality, demand patience, tact and cooperation, and suppose a giving of the whole self or personality in a shared love with all that each can contribute to its fulfilment in moderation and the virtuous control of selfish exploitation or of the defect of perfunctory performance of a duty. The man, who is usually more quickly aroused sexually and more aware in this area, should extend and prolone; his lovemaking so that the spouse, who is normally less sexually excitable and aware but more desirous and appreciative of expressions of love and affection, can attain her full measure of lawful satisfaction at

about the same time. Mutual respect and love, and a sense of delicacy will carry the couple through the normal experience of adjustment in marital relations regarding what is mutually useful, and satisfying.

b) As long as there is no danger and intention of losing seed outside of marital intercourse, all imperfect venereal acts of lovemaking, whether mutual or solitary, are lawful, such as looks, touches, embraces, kisses, conversations and other sexually stimulating acts. Spouses should refrain from truly obscene actions, such as rectal penetration, application of the mouth or tongue to the genitals, etc., because these frequently present a danger of pollution, cause a lessening of conjugal shame, and make it easier for a venial to become a mortal sin. Merely to touch or to penetrate the rectum (mouth or other part) without danger of pollution, or to begin intercourse in such manner with the intention of consummating or completing it in the vagina, is probably not more than a venial sin; it is no sin at all if it is a necessary means in the individual case and with sufficient reason is undertaken to secure the lawful exercise of marital rights.

c) Although the woman is not obliged to do so, she may immediately after her husband's ejaculation in the vagina or immediately after his withdrawal upon ejaculation obtain her own complete satisfaction through her own or her spouse's efforts performed by means of touches or in some other manner. This is considered to be the natural complement of the conjugal act and to possess a moral union with the male insemination. It is commonly held that the woman may not do this if the husband withdraws in an onanistic manner, since the woman s satisfaction is then not obtained to complete true copulation but rather directly intended to procure pollution or orgasm. It is controverted but in practice there is no serious sin if a woman seeks her own complete satisfaction before the ejaculation of the husband but at least after the latter s penetration of the vagina. There would be no sin at all if there were good reason for doing so. However, the husband cannot complete his own act if the woman should withdraw or terminate the intercourse before insemination has been effected, since this would be pollution.

d) Morose delectation (and also desires) enjoyed with respect to intercourse with one's own spouse, regarding acts performed in the past or to be accomplished in the future, is no sin at all, or at most a venial sin, as long as there is no danger of pollution taking place or it does not regard seriously forbidden actions. Whatever is libidinous and opposed to the generation of offspring is gravely unlawful even for the married. Voluntary pollution had outside of marital intercourse, as well as whatever can induce the proximate danger of it, either in the man or the woman, is a grave sin against chastity and also against commutative justice.[481] Likewise gravely sinful is any sodomitic or rectal intercourse, i.e., insemination in the rectal orifice, which is an unnatural sin and against conjugal

jdelity. Regardless of the good intentions of the woman, vaginal lotions uuynot be used immediately after intercourse has taken place and insemination accomplished, since conception is thereby rendered impossible or unlikely. They may be used only if truly requisite for health; however, it is commonly taught that at least two or three hours must elapse (even longer if they are to be used for a lighter reason), and some twelve hours must have passed before applying a uterine lotion. It is required and suffices in confession that the sinner declare that he is married when confessing these sins.

5. - *Cautions.* A confessor or priest in the external forum must beware *of* hasty and minute questions concerning the various ways of accomplishing intercourse and of lawful or unlawful actions between spouses, since they are not always necessary for the integrity of confession or the effectiveness of counselling by the priest and may give rise to scandal. Questioned on such matters he should reply as briefly as possible and by the general principles of moral theology instead of descending to particulars and details. The instruction that is needed in a particular case may indicate that the penitent or spouse be referred to someone else who is prudent and expert or experienced in such matters. The Instruction of the Holy Office on the attitude to be maintained in these matters should be kept in mind.482

XXIII. CONJUGAL ACT: ABUSES

148. – A. - Artificial Insemination.

1. Notion.

a) Artificial insemination *(fecundatio artificialis)* is the injection by art of the male seed into the uterus of a woman and which takes place outside of perfect copulation. Artificial insemination of a woman by donor insemination, i.e., with the seed of a third party, even though it is done with the consent of the husband, is intrinsically evil, since the offspring is had in marriage but not *of* the marriage.483 This type is not further considered here, but only the process in which the husband is the donor.

b) When there is not a substitution for or a replacement of the natural act of intercourse but merely an artificial aid to its achievement, this may be called in a wide sense artificial insemination. Thus, it may be necessary or very useful in a certain case before intercourse takes place for the vagina of the woman to be dilated by means of an instrument in order, during the normal performance of coition, better to retain the male member and its ejaculate and thus provide for its reaching the uterus. Likewise, in another situation, after the spouses have achieved perfect intercourse in the normal manner in the vagina, a physician with the aid of a

syringe or instrument injects into the uterus the seed already ejaculated into the vagina, without extracting it from the latter, so that fecundation, which otherwise would not have taken place, follows.

c) Artificial insemination in the proper and strict sense is accomplished in several ways. 1) During normal intercourse the husband withdraws at the point of climax and ejaculates the seed into some receptacle whereupon a physician collects it in an instrument and injects it into the vagina or even the utenis. Similarly, the man may ejaculate into a condom during intercourse in order to provide seed for the physician's action.484 2) By a solitary' pollution procured outside of intercourse, whether by voluntary masturbation or involuntary' nocturnal emission, the husband deposits seed in a receptacle for subsequent injection. 3) A physician draws off seed immediately from the testicles (epididymis or seminal vesicles) by means of a surgical puncture (aspiration of seed) and subsequently artificially injects it into the woman.

2. - *Morality.*

a) In the case of artificial insemination taken in the wide sense, natural and perfect intercourse is accomplished between the spouses; rather than opposing or frustrating nature its purposes in a natural manner are more effectively aided.435 For sufficient reason a woman may cooperate in this practice.

b) Artificial insemination in the proper sense is contrary to the order of nature and intrinsically evil. Any oth^z method of transmission of seed between spouses, even though biologically possible, than conjugal intercourse in the usual manner is not permitted by nature and thus is unlawful, unjustifiable and immoral.456 A woman must resist in the same manner as required in the case of condomistic intercourse. A marriage is not considered to be consummated in this way, as there is no true conjugal act4'7

c) The malice of artificial insemination has been made clear by the Teaching Authority of the Church.488 "Therefore, when this act, in its natural form, is from the beginning and permanently impossible, the end and object of the marriage contract suffer from an essential defect. This is what We said on that occasion [29 sept. 1949]: 'It should not be forgotten that it is only that form of procreation of new life which corresponds to the will and the plan of the Creator that brings with it, in an amazing degree of perfection, the realization of the purposes intended. At the same time it is in conformity with the corporal and spiritual nature and the dignity of the spouses and with the normal and happy development of the child.' "489

149. — B. - Copula Dimidiata.

1,- *Motion.* Intercourse is called *copula dimidiata* when there is only a very slight penetration of the vagina, at best a half or third, and nothing

impedes further penetration. This, then, differs from the case when the seed is deposited merely at the orifice or between the labia, which is not true copulation, even imperfect intercourse.

2. - *Morality.*

a) The practice of this imperfect penetration without sufficient justification is at least a venial sin. It is not the perfection of the union of two in one flesh. It would be gravely sinful if the idea and intention in undertaking such a practice was totally to impede generation. Even though nothing is done to impede generation itself, a fear of procreating offspring, a desire to render conception more difficult or less likely are insufficient justifications and cause the practice to be venially sinful. A proportionate cause is present if a woman cannot bear full penetration because of some defect or infirmity in the genital organs or the pain caused thereby, or because of a form of vaginism which affects her at the time, etc.

b) A confessor may not encourage or permit this practice as a'remedy against some form of onanism, since sin may not be encouraged. Scandal is more apt to arise in the area of sex morality than in any other and such a practice easily leads to a diminution of offspring and the practice of birth prevention. A confessor may not state something to be lawful, which is unlawful.480

150. – C. - Amplexus Reservatus.

1. - *Notion.* The practice consists in coition which takes place with the intention of abstaining from insemination either within or outside of the vagina. The parties have developed sufficient control over the sexual functions that both can restrain their orgasm (*continentia amorosa*). The promoters of *amplexus reservatus* (also called *copula inchoata* or *reservata*) have recommended it as freeing the spouses to enjoy the physical pleasure of the conjugal act and of achieving the secondary ends of marriage, especially when there is need to restrict the bearing of children such as in a danger of a further pregnancy and when abstinence *{continentia ascetica)* is too difficult and the use of the sterile periods insecure.

2. - *Morality.*

a) It cannot be held that *amplexus reservatus* is simply lawful, unobjectionable from the viewpoint of Christian morality and law and recommendable for all.481

b) Even though this practice is not unassailable it is not agreed whether or not it is immoral in itself. Some hold that it is in itself, by reason of its object, not immoral; only the purpose for which it is practiced or the circumstances in which it takes place will make it immoral. As long as it is done by mutual consent, for a good purpose not opposed

39RKU

to the primary marital end and for present motives which are proportionately serious to risk the danger of pollution, e.g., health, poverty, etc., it is an incomplete venereal action permitted to spouses. It is conceded that this practice cannot be indiscrimately recommended because of the tendency to indulge in pleasure alone, the ever-present ease of pollution and the temptation to practice onanism and forget the primary dut}· of marriage. Others label *amplexus reservatus* simply and of itself unlawful and immoral, at least venially. The essential order to generation is lacking from the intention of restraining insemination and the dangers noted above cannot be divorced from this practice.

c) As a practice or system of conjugal relations *amplexus reservatus* is not clearly proved to be immoral in itself. However, because of the moral dangers noted above and the lessening of the true Christian outlook on marital life which readily result from the purposes and the pleasure involved, justification for it in an individual case would usually be most difficult, such as the absence of the proximate dangers listed, the right purpose, grave cause, founded expectancy of restraint from seeking mere pleasure.

151. — D. - *CosJVCal* Onanism: Natural Onanism.

L-Notion. Conjugal onanism in general is vaginal copulation sought in such a way as positively to impede generation which cannot result, although there is a flow of seed. In the proper and strict sense conjugal onanism is achieved by a human action alone, i.e., by withdrawal, without the use of artificial means or devices, and thus it is a natural onanism?*?

2. - *Morality*

a) *malice.* Onanism and every other manner of intercourse whereby the natural order to generation established by God is destroyed is intrinsically against nature and thus gravely evil, directly also against the good of fidelity.[483] The way is opened up to many evil effects, such as injury to bodily health, nervous and emotional disturbances, especially on the part of the woman in whom also concupiscence is not satiated but rather increased through temptation to seek carnal pleasure elsewhere; discord, deceitfulness and loss of a sense of respect and piety ensue; family life is affected since children strengthen the bond between spouses, and the children themselves benefit by being reared together. Sometimes onanistic parents suffer in the children they do have or, on the other hand, later in life jvhen they find that it is impossible to have offspring. Catholic teaching has been explicit on the malice of onanism.[494]

b) *cooperation.*

I. - Cooperation is the giving of help to another for the performance *of* an act, or to act with another. Cooperation is *physical,* when by a physical

xtion one helps another to perform an external action; it is *moral,* when influence is brought to bear upon the action by command, counsel, exhortition, confirmation, etc. (In the case of onanism the principal cooperation ıs physical, by the voluntary supplying of the necessary physical means of intercourse whereby the abuse is occasioned.) *Formal* cooperation is knowingly and willingly giving help in the performance of another's action inasmuch as this has a determined morality. Cooperation is *mater-* Jwhen there is a physical participation in the action of another without my intention of participating in and without any participating in its morality.

n. - A spouse is under no obligation to render the debt to an onanistic partner, as the marriage contract did not surrender the right to the body for practices which frustrate the end of marriage. *Formal* cooperation in onanism is never permitted and is equally a grave sin, since it includes the approval of the sin of another or it wishes or intends the sin committed by another. It is a sin against chastity and against charity by scandal. The cooperation may be explicit by agreeing to the onanistic action or directly inducing it, or implicit by knowingly giving cause for it or indirectly inducing it by insistent complaints about the number of children, the difficulties of pregnancy or birth, etc., so that the husband takes the opportunity to practice onanistic intercourse.

m. - *Material* cooperation in onanism may be lawful under due conditions, as long as the action is not intrinsically evil. The conditions are: a) there must be a proportionately grave cause, since the woman (or a man cooperator) is bound out of charity to impede the sin of another. The certain fear of discord or strife, of adultery on the man's part, of incontinence on the part of the woman, the serious difficulty for the woman of otherwise constantly abstaining from the conjugal act are examples of sufficient cause for material cooperation, since the woman has a strict right to place the action of intercourse, b) the cooperation must be only passive, in that the woman in no way gives consent to or approval of the onanistic intent or action of the spouse. The woman may feel and enjoy the sensible pleasure attached to the act and even be pleased at its result which is the failure to generate (which, however, is easily a dangerous frame of mind in the circumstances), but she must firmly fetest the unlawful means used and be prepared to bear and to do all she can to eliminate the sinful methods. She may not show external repugnance to the sinful action and have internal consent, since all sin must be internally detested. Passive cooperation in onanism for a just and grave cause allows the woman the internal and external acts which would be lawful for her if intercourse were performed in the right way. The action *of* natural onanism is lawful in the beginning and performed in the natural manner; its evil comes from the intention of the onanist and from the withdrawal with loss of seed outside the vagina, and thus there is

nothing intrinsically evil on the part of the action itself of intercourse until interrupted and frustrated, c) the onanistic spouse must be prudently warned and admonished of the proper manner of performing natural intercourse as often as, and up to the point when, there is a founded hope that the warning will be beneficial,495 since charity obliges to this attempt. The wife is not bound to do this on every' occasion, but on the other hand on more than one occasion, as long as there is hope of correction. The admonition may be omitted entirely if it is prudently judged that it wall be of no avail since no one is bound to the useless; charity would not bind the woman to her own grave disadvantage to impede the sin on only her husband's part.496 The action of a confessor with penitents involved in withdrawal is considered under artificial onanism.

152. — E. - Conjugal Onanism: Artificial Onanism.

1. Notion. Conjugal onanism whereby generation is positively impeded by the use of artificial means or devices is called artificial onanism (onanism in the improper sense, also called neo-Malthusianism, anticonceptionism, contraception, birth control, etc.). In this practice or method the man uses condoms, sheathes, caps, rubbers or safes, etc., either over the whole penis or only the glans penis; the woman during intercourse employs diaphragms (pessaries), jellies, caps, suppositories, sponges, tampons, false vaginas, foam, etc., inserted into the vagina to close oh the mouth of the uterus to the entrance of the male sperm. Connected with artificial onanism but consequent to intercourse is the use of vaginal lotions, powders, antiseptic douches, etc., to expel or destroy the seed after it has been properly placed in-the vagina. The morality of this latter practice has been considered above.

2. - *Morality.*

a) *malice.* Artificial onanism is a grave sin 407 whose malice is greater than that of withdrawal, since artificial means are employed to frustrate nature. The act in itself is wrong or vitiated from its very beginning, even outside the intention, since generation is precluded and becomes impossible. It is a grave sin against chastity.

b) *cooperation.*

i. - *Formal* cooperation in condomistic intercourse or artificial onanism is never permitted. (Cooperation in sodomistic intercourse is judged by the same norms.) *Material* cooperation in artificial onanism, since it is intrinsically wrong and evil in its beginnings, cannot be permitted in the sense that the woman can ever assume a passive attitude i.e., omit positive resistance, except when overcome by force or subjected to the fear of a very great evil. She is always obliged to offer continuous and active resistance to such an onanistic husband as a virgin is obliged to resist b\

force one who attacks her virtue.498 Only when oppressed by force or faced with the gravest actual danger, e.g., loss of life, can she cease to offer positive resistance (and provided there is no proximate fear of consent to the intrinsically evil intercourse or of willingly having any part in it). Threats of adultery, cruelty, desertion, divorce, or perversion of the Catholic religious education of the children, etc., are serious dangers but not the very grave actual dangers listed by the theologians, such as serious beatings or woundings, the inability to offer further resistance, etc., as sufficient to cease positive resistance to intercourse which, e.g., uses a contraceptive device.499

n. - A woman must positively resist the introduction into her vagina of a sponge or of some such instrument able to impede the seed from reaching the uterus (like the insertion of douches, powders, etc.), nor may she do these things by herself, since it would be active cooperation in an act ordained to an evil end. There can be no cooperation in the occlusion of the vagina, and the use of a false vagina is intrinsically evil from the beginning, since the seed is not received in the due place or ms *debitum.* If the woman, against the husband's will, uses an occlusive pessary or some other birth control instrument or device to impede generation, the husband can in no way cooperate. He must exert his marital authority' to forbid such action and, as far as possible, to remove and destroy the artifacts.

ni. - If from the beginning of intercourse the woman uses a cervical cap or some such device or bung to stop up the cervical canal, and if the seed is received in this as in an envelope, such action is morally equivalent to condomistic intercourse. If the seed, however, is deposited in the natural vagina but its further progress to the uterus is cut off by such means, it is not clear and definitely agreed, that this (although sinful) is intrinsically wrong from the beginning and thus that cooperation by the husband entirely forbidden. Since the definition of true intercourse does not contain the mouth of the uterus as an essential element, and since the artificial occlusion of the uterus temporarily is likened to the condition resulting during pregnancy or the permanent condition induced by total hysterectomy, doubt exists in the case as to the intrinsic evil of intercourse from the beginning. Thus in practice the husband may not be held to more than the conditions laid down for material cooperation in natural onanism.

c) *confessional treatment.*

I. - Penitents are to be seriously admonished to abstain from onanism in the future, when they spontaneously confess it as a sin and are conscious of its serious malice.500 By fatherly and opportune instruction and advice they should be brought to a firm resolve here and now to desist from the practice in the future, to do what they can to eliminate the temptation, in particular by destroying all contraceptive devices possessed, and to

have confidence in God's wise Providence, especially in face of an increasing family. More often penitents who bring up the matter or who ask questions have some realization of its sinfulness. When onanism has been mutually agreed to, neither partner is disposed for absolution without a serious promise to cease, without a basis for hope of correction; they are habitual sinners. In a case only of cooperation, if the onanism cannot be prevented, the penitent should be disposed to cooperate only materially under the proper conditions. A man is to be more severely dealt with in this case than a woman, since he can more easily avoid this than the woman can. On the other hand, a woman is more apt to consent to partial or total continence. However, a woman should be questioned by the confessor whether she directly] or indirectly induced the practice of onanism,

π. - With all onanists there must be a warning given of the sin and instruction about its serious malice, even if there appears to be no probable hope of success in dissuading the penitent, and even if the penitent claims that he is not convinced of the evil of the practice or of the Church's teaching in this matter. In practice the questioning would be omitted only in the extraordinary case of a dying penitent who may be left in g[illegible]d faith, and there is no good to be gained by enlightening him and no future occasion of the sin or danger to the common good that is prudently judged. The common good of souls in a society permeated with the abuse of birth prevention requires that this practice be not allowed even to those who may perhaps be in good faith, and the confessor's silence can be a scandal to the faithful; rumor of indulgence, of connivance at or apparent approval of this practice is destructive of good morals. A confessor who exhausts the other means of dissuading a party from the practice of onanism to no avail, cannot advise withdrawal as a lesser evil (due to the scandal involved), but he may discreetly (*caute)* insinuate the notion of periodic continence, as noted below.

in. - If the confessor has basis for suspecting the presence of the sin of onanism, although the penitent has not accused himself of it, he must regularly question in a prudent and discreet manner, in terms which are general but yet sufficient to ascertain the facts. There must be a cause (either on the part of the individual or widespread conditions in a locality) for suspecting the presence of the sin, since it is wrong to interrogate even married penitents indiscriminately and confession is made difficult and even scandalous.501

153. XXIV. CONJUGAL ACT: PERIODIC CONTINENCE

A.-Physical .Aspect.

1. - Medical research in recent times has discovered a periodic rhythm of fertility and sterility in the menstrual cycle of the woman. In the normal

monthly cycle of menstruation the period of fertility or conception is eight days; the remaining days of the cycle, the sterile period, comprise a period of days before and a number of days following the first day of menstniation. Thus in every normal cycle there is a tidal movement characterized by a period of infertility or sterility, one of fertility, and a further space of infertility. The verification of this commonly recognized rhythmic cycle varies in practice in the concrete case with different individuals and in changed circumstances. Leeway has to be allowed for an absence of a constant cycle-length. For this reason, in any acceptable system followed to ascertain the rhythm of the periods, accurate data must be kept over a long period of time, great restraint and perseverance is required of the spouses, and the consultation of competent medical judgment should be made.

2.-By isolating the days (the ovulation period) in her own cycle during which intercourse would likely result in conception, a woman can determine or forecast on which days she is unlikely to become pregnant. Employing the Ogino-Knaus method of computation she would have to keep a record or chart over a considerable period of time to determine the pattern and changes in her ovulation period. Thus it would show in the generality of cases that the fertile period for conception would extend from the tenth through the sixteenth day after the menstruation begins. The body temperature method charts the rhythm of body temperature as it responds to ovulation taking place in the woman. A higher level temperature which is maintained or high peak climbed in contrast to other readings recorded on a chart during the cycle indicates a period of ovulation and thus of fertility. Body temperature readings must be charted over a sufficient time area so that individual variants might be noted and interpreted. Basal temperature is taken, i.e., a reading upon waking from a complete rest and before taking any food. A test tape method also may indicate the period of ovulation, inasmuch as the cervical mucous is usually exuded at this period and a segment of test tape applied to the cervical area will have its color changed from yellow to green.

3. - The rhythm system, the system of periodic continence, or the "safe" period (i.e., safe from incidence of conception) requires an appreciation of individual biological and psychological factors that can vary in individuals and of the fact that with every method employed to compute the cycle of fertile and unfertile periods there is not complete reliability. There is no absolute and fool-proof guarantee in the individual case, at the present time.

B. - Moral Aspect.

1,-As regards the conjugal act spouses are free to choose whatever time they wish to use their marital right or also to abstain by mutual

consent. Thus the}' are not obliged to perform this act only during the fertile period, neither are they obliged to refrain during the sterile period. 502 God has endowed the nature of woman with both periods. Deliberately to limit the use of marital relations exclusively to the sterile periods in order to avoid conception (i.e., to practice periodic continence or rhythm) is, according to the common teaching of theologians, morally lawful *in actual practice* 503 if there is mutual consent, sufficient reason and due safeguards against attendant dangers. It is also common teaching that this practice of family limitation without good and sufficient reason involves a degree of moral fault. This fault certainly could be mortal if serious injustice is done or there exists grave danger of incontinence, divorce, serious family discord, etc.

To use anovulant drugs with immediate contraceptive purpose or sterilization intent is illicit.503* It is a safe opinion which may be followed in practice at present which allows the use of anovulants under sound and prudent counsel to establish a spontaneous regular cycle (such as is necessary' for the use of rhythm), for justifiable therapeutic purposes, to postpone a menstruation for proportionate reason, and in similar instances. However, the priest must be aware of the advances in medical discovery' and the greater insights of moralists in this complex area which may' indicate newer and more acceptable means of accomplishing legitimate ends.

2. - The two conditions required for the use of rhythm are: 1) mutual consent or willingness of the spouses to practice rhythm, lest the right be violated of one spouse reasonably requesting the debt; 2) their ability properly to observe periodic continence or the absence of danger of incontinence due to the practice, since it is not permitted to enter into a proximate occasion of sin. In addition to the conditions for use, there must also be sufficient justification or cause for adopting the rhythm plan. The justifying reason must be a just and grave cause, not necessarily an extreme case or only to avoid sin, but a serious motive that is in the category of medical, eugenic, economic or social indication.504

3. - Justifying *medical* reasons are: a desire to space too frequent births which are harmful to the mother, lack of strength to carry a child in a woman debilitated by serious surgery or disease, avoidance of a dangerous pregnancy which according to prudent and competent Catholic medical advice risks the life or the permanent impairment of the health of the mother, the unlikelihood of a sickly husband surviving to support the child, etc. Justifying *eugenic* reasons are: the real danger or great probability of producing infected or defective offspring, by passing on serious physical disease or mental deficiencies, etc. Justifying *economic* reasons are: poverty of the parents or notably straightened economic circumstances which present great difficulty in feeding and educating more numerous progeny according to a reasonable norm, etc. Justifying *social*

reasons are: poor housing conditions which would be overtaxed beyond measure by more children, the need of the mother to work to support the family, a foreseeable absence of the husband which would render his care of a family impossible, the incapability of the mother of caring for children or more children, etc. Such reasons may justify temporary use of periodic continence or even permanent use if the conditions or causes perdure. Other reasons that may also justify are: it is clearly the only way to arrest the use of onanistic methods in marital intercourse, it is the only way an innocent party can secure the marital debt from a spouse stubbornly opposed to more children, or to prevent the morally certain lapse into sins of incontinence on the part of one spouse, or there is present a cause which justifies not rending the debt at all and thus its use may be limited to the sterile period. Insufficient reasons are: selfishness which seeks the satisfaction and pleasure of marital relations without their burdens or which desires the comforts and luxuries of life which would be jeopardized by offspring, human respect or worldly ambition which shrinks from numerous offspring, etc.

4. - Spouses who are justified in practicing periodic continence fulfill the other ends of marriage, viz., mutual love and fidelity and the alleviation of concupiscence. Unlike onanism, there is no physical hindrance or frustration placed against the normal process of conception. On the other hand, to limit intercourse of set purpose to the sterile or unfertile periods in order to avoid conception and to do so without sufficient justification, is certainly sinful. It is more commonly taught that the sin is grave, since the reasons which would allow a practice that leaves unfulfilled the primary purpose of marriage must be grave. Moreover, theologians, following the address of Pius XII, are more inclined to hold for a positive obligation upon married couples to procreate and not merely to refrain from positively impeding generation with the intention nevertheless to accept conception should it eventuate, thus ruling out a small-family or no-family attitude without the above mentioned justifications. An habitual and unjustified intention to employ rhythm exclusively in marital relations during the whole of life or of the child-bearing period or for a long period of time seems to be a grave neglect in itself of a prime duty of the married state.506 Sinfulness would be lessened in the case of those who already have offspring. However, since the gravity of the positive obligation to procreate or the gravity of unjustifiable rhythm practice has not been clearly established, *in practice* it cannot be imputed to spouses as seriously sinful *in itself,* although in the concrete case extrinsic circumstances may often make it seriously sinful.

5. - Although periodic continence may be lawful in a particular case, it retains certain drawbacks, since, unlike total abstinence mutually undertaken out of a motive of virtue, this system is legitimately employed because of the constraint of certain circumstances or causes and not because

it is desired in *itself. The fullest expression of conjugal love is subjected at times to severe limitations and restraints.* Dependence must be had upon records, observations, consultations, etc., which tend to make conjugal relations a matter *of* statistics and more consciously physical in character than spiritual. Fear of miscalculation and consequent pregnancy can produce tensions, irritability and resentments, even the temptation to use contraceptive devices. Younger married couples, who are especially prepared physically and emotionally for parenthood, generally do a great disservice to their marital happiness and future by restricting their relations only to the unfertile periods.

C. - Role of the Priest.

1. - The priest and the confessor may lawfully suggest the practice of periodic continence to those who have a just cause; moreover such penitents who practice it are not to be disturbed. Rhythm may be insinuated with due discretion *(cautc)* also in the case where there is no other means of dissuading parties from onanism.506 Periodic continence is not a matter for public discourse or sermonizing or indiscriminate recommendation or explanation (even in the classroom), but rather for informal theological instruction for individuals or groups who need it or who ask for it with cause. In no case should the priest or confessor give an accurate and detailed instruction in rhythm but he should refer the parties to a competent Catholic physician or to approved literature.507

2. - The office of the priest requires that he promote the ends and purposes of marriage and of the sacrament. He must not be the promoter of its frustration and the advocate of sterility. The practice of periodic continence is not an automatic guarantee against conception in every case. There is always the danger of lessening respect for marriage, of endangering the primary end and of encouraging an attitude that this is but one form of birth control, since the impeding of offspring is likewise accomplished, and thus that onanism is lawful. The priest should not appear to approve or recommend this system of marital relations, as though it were good under all circumstances or as though it were the Church's method of birth control. He should merely judge or give advice that in given justifiable circumstances the Church presents no objection. The large family is still the ideal of the Church and total abstinence is the only method in proper circumstances which she positively endorses.508

154. XXV. DUTIES OF SPOUSES.

A. - To Each Other.

1,-Married couples owe each other mutual love,500 mutual help and solace/10 and a common life or cohabitation.511 These are obligations

which are of themselves grave, but allow of lightness of matter and in certain circumstances and for proportionate causes do not oblige in whole or in part. It would be a sin against charity for one spouse to hold the other in contempt or hatred, or to sadden or anger the other with injurious wrds or deeds; likewise to deprive the other in any way of those things which are necessary for a decent maintenance of life and respectable condition. They are bound to preserve conjugal fidelity both internally and externally, and to render mutual aid in the carrying out of their respective duties and functions, in bearing the burdens of marriage, especially in times of adversity. Unless a legitimate reason excuses, they are to dwell together and share the same domestic or family life. The wife retains the domicile of her husband and is bound to follow the husband wherever he fixes his residence, unless reasonably excused.

2. - In the society of the family the husband is the head and the woman has been given to him as helpmate and associate, thus owing him due reverence and obedience in all good and lawful things.512 Husband and wife are absolutely equal as persons with consequent equal rights; also with respect to the marriage contract. But they have different roles to fulfill in the procreation and education of offspring, which roles are interdependent rather than equal. In these functional differences the headship of the husband is more in terms of the common good of the family unit. He must protect and provide, and in this function he is aided by the wife, just as the wife is aided in her role of maintaining a comfortable home and of supervising the daily rearing of the children. The relationship is a partnership and companionship with each contributing according to ability the best performance of their respective roles for the common welfare, physical, material, spiritual. Patience, forbearance, kindly consideration and even at times substitution in another's role are the hallmarks of conjugal love and fidelity. Both must edify by example and correct by counsel and friendly persuasion. The common goods or fortune as well as individual possessions must not be dissipated or injured, nor domestic peace and comfort disturbed by word or action or negligence.

B. - To Their Children.

1.-Parents have the serious duties of teaching their children what is necessary for them,513 to correct them when necessary or expedient,514 and to give them good example. The fatherly power or authority *(patria potestas)* over the offspring, which by nature belongs to the father and subordinatcly to the mother, requires that provision be made for the well-being and rearing of the children. Civil authority may further detail this obligation in regard to its extent and responsibility affecting the public good. It should also supply public aids for the parents in fulfilling